

23A

At an IAS Part of the Supreme Court of the State of New York, held in and for the County of the Bronx, at the Courthouse located at 851 Grand Concourse, Bronx, New York 10451, on the 31<sup>st</sup> day of March, 2015

Hon. Alexander Hunter  
Justice

**RECEIVED BY:**

**APR 07 2015**

SUPREME COURT FOR THE STATE OF NEW YORK  
COUNTY OF THE BRONX

-----x  
HERMINIO PIZARRO and OLGA IRIS GARCIA,

Judgment Department

Plaintiffs,  
-against-

**JUDGMENT**  
Index No.: 304460/08

THE CITY OF NEW YORK, POLICE DEPARTMENT  
OF THE CITY OF NEW YORK, P.O. JOSE M. REYNA,  
SHIELD NO: 1216, P.O. EFRAIN MORALES, SHIELD  
NO: 13473, and 'JOHN DOE,' name fictitious and  
intended to be a Police Officer whose name is presently  
unknown,

Defendants.

-----x  
The above entitled action having come on for trial before the Hon. Alexander Hunter, one of the justices of this Court, and a jury, at Part IA 23A of the Supreme Court of the State of New York, held in and for the County of Bronx, at the county courthouse located at 851 Grand Concourse, Bronx, New York, on the 31<sup>st</sup> day of July, 2014, and the parties having appeared by their respective attorneys, and the issues having been tried, and the jury having duly rendered a verdict on the 30<sup>th</sup> day of July, 2014, in favor of the plaintiffs and against defendant, THE CITY OF NEW YORK, POLICE DEPARTMENT OF THE CITY OF NEW YORK and POLICE OFFICER EFRAIN MORALES, in the sum of TWO MILLION DOLLARS (\$2,000,000.00) for past pain and suffering for plaintiff HERMINIO PIZZARO and ONE MILLION DOLLARS

(\$1,000,000.00) for punitive damages against defendant POLICE OFFICER EFRAIN MORALES for plaintiff HERMINIO PIZZARO, and TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) for past pain and suffering for plaintiff OLGA GARCIA, and TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) for past pain and suffering for plaintiff OLGA GARCIA and TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) for punitive damages against defendant POLICE OFFICER EFRAIN MORALES, and the costs and disbursements of the plaintiffs having been duly taxed by the Clerk of this Court in the sum of \$

NOW, on motion of MICHAEL I. BRAVERMAN, attorney of GETZ & BRAVERMAN, P.C., attorneys for plaintiffs, it is

ADJUDGED AND DECREED,

That plaintiffs, HERMINIO PIZZARO and OLGA GARCIA, residing at 615 East 141<sup>st</sup> Street, Bronx, New York 10454, recover from the defendants, THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT and POLICE OFFICER EFRAIN MORALES, the sum of TWO MILLION DOLLARS (\$2,000,000.00) for past pain and suffering for plaintiff HERMINIO PIZZARO and ONE MILLION DOLLARS (\$1,000,000.00) for punitive damages against defendant POLICE OFFICER EFRAIN MORALES for plaintiff HERMINIO PIZZARO, and TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) for past pain and suffering for plaintiff OLGA GARCIA, and TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) for past pain and suffering for plaintiff OLGA GARCIA and TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) for punitive damages against defendant POLICE OFFICER EFRAIN MORALES, with interest there on from July 30, 2014, in the sum of \$ 218,750 <sup>10</sup> (and with additional

interest to run at the rate of nine per centum (9%) per annum, at a per diem sum of \$875 for each day thereafter), and with \$ 1382 <sup>00</sup> costs and disbursements as taxed, amounting to the total sum of \$ 3,720,132 <sup>00</sup>, and that the plaintiffs have execution for that amount.

Judgment signed this 31<sup>ST</sup> day of MARCH, 2015

ENTER,

  
\_\_\_\_\_  
Hon. Alexander Hunter

Justice, Supreme Court

  
\_\_\_\_\_  
COUNTY  
CLERK

Luis M. Diaz

APR 07 2015

SUPREME COURT FOR THE STATE OF NEW YORK  
COUNTY OF THE BRONX

-----x  
HERMINIO PIZARRO and OLGA IRIS GARCIA,

Plaintiffs,

**INTEREST CALCULATION**  
Index No.: 304460/08

-against-

THE CITY OF NEW YORK, POLICE DEPARTMENT  
OF THE CITY OF NEW YORK, P.O. JOSE M. REYNA,  
SHIELD NO: 1216, P.O. EFRAIN MORALES, SHIELD  
NO: 13473, and 'JOHN DOE,' name fictitious and  
intended to be a Police Officer whose name is presently  
unknown,

Defendants.

-----x  
Verdict Awarded: \$3,500,000.00

Date of Verdict: July 31, 2014

Annual Prejudgment Interest at 9% \$315,000.00

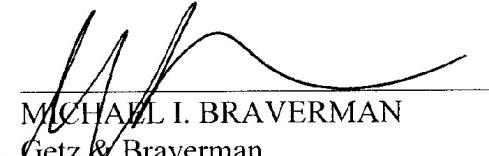
Per Diem Interest: \$1,277.50

Interest from July 31, 2014 - October 30, 2014 \$114,975.00  
(90 days x \$1,277.50)

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Total Interest through November 1, 2014 \$114,975.00

Dated: Bronx, New York  
October 30, 2014

  
MICHAEL I. BRAVERMAN  
Getz & Braverman  
Attorneys for Plaintiffs  
172 East 161<sup>st</sup> Street  
Bronx, New York 10451  
718-993-3000

To: Zachary Carter, Esq.  
Corporation Counsel of

the City of New York  
198 East 161<sup>st</sup> Street  
Bronx, New York 10451



Supreme Court  
COUNTY OF Bronx

Hernanito Pizarro and Olga Garcia,

against

The City of New York, P.O. Efrain

Morales, Shield No. 13473

Plaintiff(s)

Index No.: 304460/08

Costs of

Defendant(s)

COSTS

	\$		
Costs before note of issue .....	200	00	
CPLR §8201 subd. 1			
Costs after note of issue .....	200	00	
CPLR §8201 subd. 2			
Trial of issue .....	300	00	
CPLR §8201 subd. 3			
Allowance by statute .....			
CPLR §8302(a), (b)			
Additional allowance .....			
CPLR §8302 (d)			
Motion costs .....			
CPLR §8202			
Appeal to Appellate Term .....			
CPLR §8203 (b)			
Appeal to Appellate Division .....			
CPLR §8203 (a)			
Appeal to Court of Appeals .....			
CPLR §8204			
Costs upon frivolous claims and counterclaims .....			
CPLR §8303-a			

DISBURSEMENTS

Fee for index number CPLR §8018(a) .....		\$ 210	00
Referee's fees CPLR §8301(a)(1), 8003(a) .....			
Commissioner's compensation CPLR §8301(a)(2) .....			
Clerk's fee, filing notice of pend. or attach. CPLR §8021(a)(10) .....			
Entering and docketing judgment CPLR §8301(a)(7), 8016(a)(2) .....			
Paid for searches CPLR §8301(a)(10) .....			
Affidavits & acknowledgments CPLR §8009 .....			
Serving copy summons & complaint CPLR §8011(h)(1), 8301(d) .....			
Request for judicial intervention .....			
Note of issue CPLR §8020(a) .....			
Paid referee's report CPLR §8301(a)(12) .....			
Certified copies of papers CPLR §8301(a)(4) .....			
Satisfaction piece CPLR §5020(a), 8021 .....			
Transcripts and filing CPLR §8021 .....			
Certified copy of judgment CPLR §8021 .....			
Postage CPLR §8301(a)(12) .....			
Jury fee CPLR §8020(c) .....			
Stenographers' fees CPLR §8002, 8301 .....			
Sheriff's fees on execution CPLR §8011, 8012 .....			
Sheriff's fees, attachment, arrest, etc. CPLR §8011 .....			
Paid printing cases CPLR §8301(a)(6) .....			
Clerk's fees Court of Appeals CPLR §8301(a)(12) .....			
Paid copies of papers CPLR §8016(a)(4) .....			
Motion expenses CPLR §8301(b) .....			
Fees for publication CPLR §8301(a)(3) .....			
Serving subpoena CPLR §8011(h)(1), 8301(d) .....			
Paid for Search CPLR §8301(a)(10) .....			
Referee's report .....			
Attendance of witnesses CPLR §8001(a)(b)(c), 8301(a)(1) .....			

I hereby certify that I have  
adjusted this bill of costs at

\$ 1380

APR 07 2015

Date

JUVIT Clerk

COSTS..... 700.00 ..... \$

DISBURSEMENTS..... 682.00

\$ 682.00

SUPREME COURT FOR THE STATE OF NEW YORK  
COUNTY OF THE BRONX

-----x  
HERMINIO PIZARRO and OLGA IRIS GARCIA,

Plaintiffs,

**AFFIRMATION**

Index No.: 304460/08

-against-

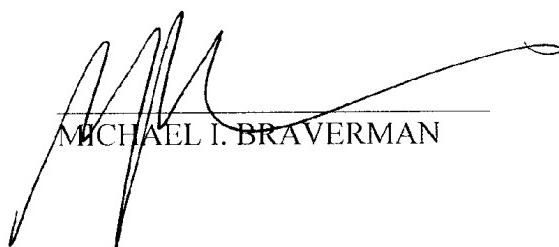
THE CITY OF NEW YORK, POLICE DEPARTMENT  
OF THE CITY OF NEW YORK, P.O. JOSE M. REYNA,  
SHIELD NO: 1216, P.O. EFRAIN MORALES, SHIELD  
NO: 13473, and 'JOHN DOE,' name fictitious and  
intended to be a Police Officer whose name is presently  
unknown,

Defendants.

-----x  
MICHAEL I. BRAVERMAN, an attorney duly admitted to practice law in the Courts of  
the State of New York, hereby affirms the following to be true:

I am the plaintiffs' attorney. The foregoing disbursements have been or will necessarily  
be made or incurred in this action and are reasonable in amount and that each of the persons  
named as witnesses, attended as such witness on the trial, hearing or examination before trial  
herein of days set opposite their names; that each of said persons resided the number of miles set  
opposite their names, from the place of said trial, hearing or examination before trial, as such  
witness as foresaid necessarily traveled the number of miles so set opposite their names, were  
actually and necessarily obtained for use.

Dated: Bronx, New York  
October 30, 2014



MICHAEL I. BRAVERMAN

AFFIDAVIT OF SERVICE

STATE OF NEW YORK, COUNTY OF BRONX ss.:

Maria L. Ortega being duly sworn, deposes and says:

I am over 18 years of age, I am not a party to the action, and I reside in Bronx County in the State of New York.

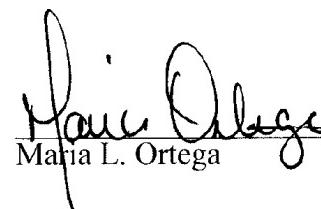
I served a true copy of the annexed

**NOTICE OF SETTLEMENT**

on October 30, 2014

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee as indicated below:

**ZACHARY W. CARTER  
CORPORATION COUNSEL  
OF THE CITY OF NEW YORK**  
198 East 161<sup>st</sup> Street  
Bronx, New York 10451



Maria L. Ortega

Sworn to before me October 30, 2014



Notary Public  
BROOKLYN, STATE OF NEW YORK  
BRONX COUNTY 02BR6035120  
Certificate Filed in  
Bronx County  
Commission Expires 12-27-2017